

IC 34-36

ARTICLE 36. JURIES

IC 34-36-1

Chapter 1. Trial by Jury

IC 34-36-1-1

Submission or argument; opening and closing

Sec. 1. (a) The parties may either submit or argue a case to the jury.

(b) In the argument, the party with the burden of the issue has the opening and closing. The party who opens must disclose in the opening all the points relied on in the cause. If, in the closing, the party who closes refers to any new point or fact not disclosed in the opening, the adverse party has the right of replying to the new point or fact. The adverse party's reply closes the argument in the case.

As added by P.L.1-1998, SEC.32.

IC 34-36-1-2

Notes of evidence

Sec. 2. When requested by either party, the court shall take brief notes of the evidence of the parties in the order in which the evidence is introduced in the trial.

As added by P.L.1-1998, SEC.32.

IC 34-36-1-3

View of property; speaking to jury prohibited

Sec. 3. (a) Whenever, in the opinion of the court, it is proper for the jury to have a view of:

- (1) real or personal property that is the subject of litigation; or
- (2) the place in which a material fact occurred;

the court may order the jury to be conducted in a body, under the charge of a sworn officer, to the place.

(b) The place shall be shown to the jury by a person appointed by the court for that purpose.

(c) While the jury is absent for the view, no person, other than the person appointed to show the place to the jury, shall speak to the jury on any subject connected with the trial.

As added by P.L.1-1998, SEC.32.

IC 34-36-1-4

Keeping jurors together; communications

Sec. 4. (a) When a case is submitted to the jury, the jury may:

- (1) decide in court; or
- (2) retire for deliberation.

(b) Except as provided in subsection (c), if the jury retires, the members of the jury must be kept together in some convenient place, under the charge of a sworn officer, until the members of the jury:

- (1) agree upon a verdict; or
- (2) are discharged by the court.

(c) The court may, in its discretion, permit the jury to separate temporarily and for meals.

(d) The officer in charge of the jury shall not permit any communication to be made to the jury. The officer in charge of the jury shall not communicate with the jury, except:

- (1) to ask the jury if it has agreed upon a verdict; or
- (2) by order of the court.

(e) The officer in charge of the jury shall not, before the verdict is rendered, communicate to any person the state of the jury's deliberations or the jury's verdict.

As added by P.L.1-1998, SEC.32.

IC 34-36-1-5

Separation of jury; conversations; opinions

Sec. 5. (a) If the members of the jury are permitted to separate, either during the trial or after the cause is submitted to them, the court shall admonish the jurors that it is their duty not to:

- (1) converse with each other; or
- (2) permit themselves to be addressed by any other person, on any subject of the trial.

(b) If the members of the jury are permitted to separate during the trial, the court shall admonish the jurors that it is their duty not to form or express among themselves an opinion on the cause until the cause is finally submitted to them.

As added by P.L.1-1998, SEC.32.

IC 34-36-1-6

Retirement for deliberation; request for information

Sec. 6. If, after the jury retires for deliberation:

- (1) there is a disagreement among the jurors as to any part of the testimony; or
- (2) the jury desires to be informed as to any point of law arising in the case;

the jury may request the officer to conduct them into court, where the information required shall be given in the presence of, or after notice to, the parties or the attorneys representing the parties.

As added by P.L.1-1998, SEC.32.

IC 34-36-1-7

Discharge; sickness; accident, calamity, or consent; hung jury

Sec. 7. The jury may be discharged by the court under any of the following circumstances:

- (1) Sickness of a juror.
- (2) Other accident or calamity requiring the discharge.
- (3) Both parties consent to the discharge.
- (4) The jury has been kept together until it satisfactorily appears that there is no probability of the members agreeing upon a verdict.

As added by P.L.1-1998, SEC.32.

IC 34-36-1-8**Discharge of jury; new trial**

Sec. 8. In all cases where the jury is discharged during the trial, or after the cause is submitted to them, the case may be tried again immediately or at a future time, as the court may direct.

As added by P.L.1-1998, SEC.32.

IC 34-36-1-9**Verdict; signature; dissent**

Sec. 9. When the jury has agreed upon a verdict, the verdict must be reduced to writing and signed by the foreman. When returned into court, the foreman shall deliver the verdict, and either party may poll the jury. If a juror dissents from the verdict, the jury shall again be sent out to deliberate.

As added by P.L.1-1998, SEC.32.